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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/963,854	09/26/2001	Gary F. Hirsch	GH 2	1600

7590 12/04/2003

Phillip L Free Jr.
Crowe & Dunlevy
1800 Mid-America Tower
20 North Broadway
Oklahoma City, OK 73102-8273

EXAMINER

STINSON, FRANKIE L

ART UNIT	PAPER NUMBER
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1746

DATE MAILED: 12/04/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/963,854

Applicant(s)

HIRSCH ET AL.

Examiner

FRANKIE L. STINSON

Art Unit

1746

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10/9/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 6 and 16-37 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 6 and 16-37 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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1. The indicated allowability of claims 6 and 16-37 is withdrawn in view of further consideration of U. S. Pat. No. 5,989,296 to Patton et al. Rejections based on the new consideration follow.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 6 and 16-24, 26-28 and 30-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patton et al.

Re claims 6, 16 and 30, Patton is cited disclosing a trench apparatus for liquid treatment (e.g. bleaching, see col. 5, lines 43) of fabric comprising a trench (102), a pull chain/rope (114) having a plurality of shackles (115) attached thereto, for securing one or more bags (116), the chain/rope being positioned for pulling the bags containing dyed fabric in a longitudinal direction of the trench whereby the longitudinal movement of the bags causes liquid to flow in a direction counter to the movement of the bags with the chain engaging a pulley (112, 118), and an untreated platform (106) adjacent one end of the trench and a treated platform (104) adjacent the other end of the trench wherein the trench has a liquid treatment zone (see figs. 7 and 9) that differs from the claim only in the specific recitation of the "bags being dimensioned when full to block the liquid flow down the trench". However, Patton does disclose that the "bags act as a plug, forcing the liquid to flow through the contents of each bag as the bag is drawn through the

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trench". Thusly, it is deemed to be inherent that the bag is dimensioned, when full, to block the flow of liquid down the trench to, as instantly claimed. Re claim 17, Patton discloses the denim fabric and the treatment liquid and the solvent and/or reducing agent. Re claim 18, Patton discloses the treatment fluid being passed from the second vat to the first vat in countercurrent movement. Re claim 19, Patton discloses the plurality of bags. Re claims 20 and 24, Patton discloses the moving of the bag in a first vat containing a solvent/reducing agent, moving the bag across a drainage platform and the moving of the bag into a second vat. Re claims 21 26, 31, 34 and 35, Patton discloses the denim, bleaching agent reducing agent, and solvent. Re claims 22 and 27, Patton discloses the countercurrent flow. Re claims 23, 28 and 33, Patton discloses the plurality of bags moved in sequence down first and second vats. Re claims 27 and 32, Patton discloses the countercurrent flow. Re claim 6, Patton discloses the dyes, chemicals and/or reagents that can be added.

4. Claims 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patton et al. in view of Oldershaw.

Claim 25 defines over Patton only in the recitation of the pump. Oldershaw is cited disclosing the pump as claimed. It therefore would have been obvious to one having ordinary skill in the art to modify the device of Patton, to include a pump as taught by Oldershaw, for the purpose of positively moving the fluid from vat to vat.

5. Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patton in view of Traut et al.

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Claim 29 defines over Patton only in the recitation of the airtight cover. Traut is cited disclosing in process for treating material where there is provided a vat with an airtight cover. It therefore would have been obvious to one having ordinary skill in the art to modify the process of Patton to include the providing of an airtight cover as taught by Traut, for the purpose of preventing oxidation of the treatment fluid as is common in the art.

6. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Patton in view of Hendrix et al.

Claim 37 defines over Patton only in the recitation of the specific ingredients as claimed. Hendrix is cited disclosing a fluid treatment process, the arrangement of providing the ingredients as claimed. It therefore would have been obvious to one having ordinary skill in the art to modify the device of Patton, to employ the ingredient as taught by Hendrix, since this is clearly dependent upon the type of treatment being carried out.

7. Applicant's arguments with respect to claims 6 and 16-37 have been considered but are moot in view of the new ground(s) of rejection.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to FRANKIE L. STINSON whose telephone number is (703) 308-0661. The examiner can normally be reached during the first week of the pay-period M-F from 5:30 a.m. to 3:00 p.m. and during the second week of the pay-period from Tu-Th second from 5:30 a.m. to 3:00 p.m. and on Fri. from 5:30 a.m. to 2:00 p.m. Alternating Mondays off.

The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9310 (NON-FINAL REJECTION STATUS) and (703) 872-9311 (AFTER-FINAL REJECTION STATUS).


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.

Any inquiry for missing parts of this Office Action (copies of references, pages, forms etc.), contact Office Manager Ms. Sandra Sewell (703) 308-0661.

ATTENTION:

As a result of the move of the USPTO Group Art Unit 1746 into its new campus on December 17, 2003, the examiner's new telephone number will be (571) 272-1308 and the fax number will be (571) 273-1308.

fls


FRANKIE L. STINSON
Primary Examiner
Art Unit 1746